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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,474	11/16/2001	Stuart Lawson	GJ-225J	1719
7590	12/17/2003		EXAMINER	
Iandiorio & Teska 260 Bear Hill Road Waltham, MA 02451-1018			KRISHNAMURTHY, RAMESH	
			ART UNIT	PAPER NUMBER
			3753	

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/009,474	LAWSON, STUART
	Examiner	Art Unit
	Ramesh Krishnamurthy	3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 September 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 6-10 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 6-10 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s) _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

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This office action is responsive to amendment filed 09/26/2003.

Claims 6 – 10 are pending.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6 – 10 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 10-213077 or by Becker et al. (US 5,275,541).

The document JP 10-213077 (equivalent to US 6,116,866) discloses a valve assembly for a pump, comprising a port (3) disposed in a valve plate, the port being opened and closed by a reed and comprising a tube (9) that is in communication with the port (3) extending vertically above the port (3) on a side of the port remote from the reed, and the tube (9) being of such a size that, in the use of the valve assembly, the tube contains a column of fluid.

To one of ordinary skill in the art it is clear that the length of the tube (9) is at least several times (certainly more than twice) the diameter of the port (3) and thus has a column of fluid against which the reed in port (3) has to operate. The fluid in tube (9) is a real fluid that has viscosity and thus to one of ordinary skill in the art, it is an inherent feature that the column exerts a damping effect (via friction) on the motion of the reed. Thus, to one of ordinary skill in the art, the tube (9) is inherently a damping means that serves to provide substantial mechanical damping of the motion of the reed.

Becker et al. (US 5,275,541) discloses (Fig. 1 for example) a valve assembly of a fluid pump (1) comprising a port (24a) disposed in a valve plate (4), the port being opened and closed by a reed (25a) and comprising a tube (21a) that is in communication with the port (24a), extending vertically above the port (24a) on a side of the port remote from the reed, the tube (21a) being of such a size that, in the use of the valve assembly, the tube contains a column of fluid.

To one of ordinary skill in the art it is clear that the length of the tube (21a) is at least several times (certainly more than twice) the diameter of the port (24a) and thus has a column of fluid against which the reed in port (24a) has to operate. The fluid in tube (21a) is a real fluid that has viscosity and thus to one of ordinary skill in the art, it is an inherent feature that the column exerts a damping effect (via friction) on the motion of the reed. Thus, to one of ordinary skill in the art, the tube (21a) is inherently a damping means that serves to provide substantial mechanical damping of the motion of the reed.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

4. Applicant's arguments with respect to claims 6 - 10 have been considered but are moot in view of the new ground(s) of rejection.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tomita et al. (US 6,116,866) is equivalent to the document JP10-213077 that has been used in the rejection set forth above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh Krishnamurthy whose telephone number is (703) 305 - 5295. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Scherbel, can be reached on (703) 308 - 1272. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 - 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 - 0861.



Ramesh Krishnamurthy
Examiner
Art Unit 3753
December 12, 2003